

NOT INCLUDED IN
BOUND VOLUMES

Norcross, GA

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
WAFFLE HOUSE, INC.

and

Case 10-CA-121178

CARRIE HARRIS

ORDER APPROVING STIPULATION, GRANTING MOTION,
AND TRANSFERRING PROCEEDING TO THE BOARD

This matter comes before the Board upon the joint motion of Respondent Waffle House, Inc., Charging Party Carrie Harris, and the General Counsel to waive a hearing and decision by an administrative law judge and to transfer the proceedings to the Board for a decision based on the stipulated record.

On April 29, 2014, the General Counsel, through the Regional Director for Region 10, issued a complaint and notice of hearing alleging that the Respondent promulgated and at all material times has maintained a mandatory arbitration policy containing a “No Consolidated, Collective, or Class Action Arbitrations” provision, and has enforced the policy by requiring employees to “become a party” to it. The complaint alleges that, by the foregoing conduct, the Respondent has violated Section 8(a)(1) of the Act by interfering with, restraining, and coercing employees in the exercise of their Section 7 rights.

On December 12, 2014, the parties filed a joint motion and stipulation of facts with the Board. Pursuant to Section 102.35(a)(9) of the Board’s Rules and Regulations,

the parties have waived a hearing before an administrative law judge and agreed to submit the record in this case directly to the Board for findings of fact, conclusions of law, and a Decision and Order. The parties have requested that the Board set a time for the filing of briefs.

The Board having considered the matter,

IT IS ORDERED that the joint motion is granted and the case is transferred to and continued before the Board in Washington, D.C., for the purpose of issuing findings of fact, conclusions of law, and a Decision and Order.

IT IS FURTHER ORDERED that the stipulated record, which includes the joint motion and stipulation of facts and the exhibits attached thereto (including the charge, the Complaint and Notice of Hearing, the Answer, a copy of the Arbitration Agreement signed by the Charging Party, and statements of position by the General Counsel, the Respondent, and the Charging Party), is approved and made part of the record.

The parties may file initial briefs with the Board in Washington, D.C., on or before [21 days after Order issues], and answering briefs within 14 days thereafter in accordance with Section 102.35(a)(9) of the Board's Rules and Regulations.

Dated, Washington, D.C., June 18, 2015.

By Direction of the Board:

Gary Shinnars

Executive Secretary